

IN THE SUPREME COURT OF THE STATE OF DELAWARE

TIMOTHY WILLIAMS,	§
	§
Defendant Below-	§ No. 14, 2011
Appellant,	§
	§
v.	§ Court Below—Superior Court of
	§ the State of Delaware, in and for
STATE OF DELAWARE,	§ New Castle County
	§ Cr. ID 0611021983
Plaintiff Below-	§
Appellee.	§

Submitted: January 24, 2011

Decided: February 8, 2011

Before **BERGER, JACOBS**, and **RIDGELY**, Justices.

**ORDER**

This 8<sup>th</sup> day of February 2011, it appears to the Court that:

(1) On January 11, 2011, the Court received Timothy Williams' notice of appeal from a Superior Court Commissioner's report, dated January 5, 2011, recommending denial of his motion for postconviction relief. The Senior Court Clerk issued a notice to Williams to show cause why the appeal should not be dismissed as an impermissible interlocutory appeal in a criminal case.<sup>1</sup>

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<sup>1</sup> See *Johnson v. State*, 884 A.2d 475 (Del. 2005).

(2) Williams filed a response to the notice to show cause on January 24, 2011. His response appears to address the merits of his claim and does address the procedural defect.

(3) Unfortunately, the Court has no jurisdiction over this interlocutory appeal.<sup>2</sup> Williams' right to review of the Commissioner's Report and Recommendation is to a judge of the Superior Court in the first instance.<sup>3</sup> Once the Superior Court issues a final order in Williams' case, he will have the right to file a notice of appeal within thirty days of that final order.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Jack B. Jacobs  
Justice

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<sup>2</sup> See Del. Const. art IV, § 11(1)(b).

<sup>3</sup> Del. Super. Ct. Crim. R. 62(a)(5)(iv) (2011).